

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

JACQUELINE GILDON,)	
)	
Plaintiff)	
)	
v.)	No. 3:05cv0702 AS
)	
LINDA S. McMAHON, Acting)	
Commissioner of Social Security,)	
)	
Defendant)	

MEMORANDUM, OPINION AND ORDER

This court takes full judicial notice of this record and particularly takes note of the report and recommendation of the United States magistrate judge entered and filed on December 1, 2006. This court held proceedings in open court on March 20, 2007 with counsel for Jacqueline Gildon and the assistant United States attorney present. Each made helpful presentations.

The general impression here is that this is a relatively close case which tilts slightly in favor of the decision made by the administrative law judge in favor of the Commissioner. The same must be said with regard to the report and recommendation of the magistrate judge. These are often close and somewhat difficult decisions. In the proceedings on March 20, 2007, this court made reference to a selective array of recent Seventh Circuit cases but did not in any way intend to cover all of that waterfront. In several of those cases there were divided opinions in the Court of Appeals which can indicate how close and how difficult sometimes these questions can be.

When it is all said and done, this court cannot gainsay the report and recommendation of the magistrate judge, and therefore now, although the question is a close one, **APPROVES** and **ADOPTS** that report and recommendation. The Clerk shall enter a judgment denying relief to this plaintiff. **IT IS SO ORDERED.**

DATED: March 21, 2007

S/ ALLEN SHARP

ALLEN SHARP, JUDGE

UNITED STATES DISTRICT COURT

cc: The Honorable Christopher A. Nuechterlein